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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

..... **FILED**

UNITED STATES OF AMERICA, IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

JUDGMENT INCLUDING
SENTENCE

VS.

★ NOV 9, 2005 ★

NO. CR 04-454(S-2) 02(JG)
USM# 70933-053

ROOSEVELT TURNBULL BROOKLYN OFFICE
.....

Winston Y. Chan
Assistant United States Attorney

Burt Sulzer
Court Reporter

Peter J. Fabricant, Esq.
Defendant's Attorney

The defendant Roosevelt Turnbull having pled guilty to count four of a superseding indictment accordingly, the defendant is ADJUDGED guilty of such Count(s), which involve the following offenses:

<u>TITLE AND SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>COUNT NUMBERS</u>
15USC1644(d) RECEIPT OF GOODS OBTAINED BY USE OF FRAUDULENT CREDIT CARD		FOUR

The defendant is sentenced as provided in pages 2 through 4 of the Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1988.

___ The defendant is advised of his/her right to appeal within ten (10) days.

___ The defendant has been found not guilty on count(s) and discharged as to such count(s)

X **Open counts are dismissed on the motion of the United States.**

___ The mandatory special assessment is included in the portion of Judgment that imposes a fine.

X **It is ordered that the defendant shall pay to the United States a special assessment of \$100.00 which shall be due immediately.**

It is further **ORDERED** that the defendant shall notify the United States Attorney for this District within 30 days of any change of residence or mailing address until all fines, restitution, costs and special assessments imposed by this Judgment are fully paid.

OCTOBER 28, 2005

Date of Imposition of sentence

s/John Gleeson
JOHN GLEESON, U.S.D.J.

Date of signature
A TRUE COPY ATTEST
DEPUTY CLERK

11:45
John Gleeson

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DEFENDANT: ROOSEVELT TURNBULL
CASE NUMBER: CR 04-454(S-2)-02(JG)

JUDGMENT-PAGE 2 OF 4

PROBATION

The defendant is hereby placed on probation for a term of THREE (3) YEARS,

The defendant shall not commit another Federal, State or Local crime.

The defendant shall not unlawfully possess a controlled substance.

For offenses committed on or after September 13, 1998:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

 The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

 X The defendant shall not possess a firearm as defined in 18 U.S.C. Sect. 921.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the schedule of payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth in the "Standard Conditions of Supervision" sheet.

The defendant shall comply with the following additional conditions

SIX (6) MONTHS OF HOME DETENTION, WHETHER THE DEFENDANT IS PLACED ON ELECTRONIC MONITORING WILL BE LEFT TO THE DISCRETION OF THE PROBATION DEPARTMENT AND IF SO THE COST SHALL BE PAID BY THE DEFENDANT; MAKE FULL FINANCIAL DISCLOSURE; COMPLY THE ORDER OF FORFEITURE. THE DEFENDANT SHALL SERVE 250 HOURS OF COMMUNITY SERVICE AS DIRECTED BY THE PROBATION DEPARTMENT.

DEFENDANT: **ROOSEVELT TURNBULL**
CASE NUMBER: **CR 04-454(S-2)-02(JG)**

JUDGMENT-PAGE 3 OF 4

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 8) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) The defendant shall notify the probation officer within 10 days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a Physician;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court;
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ROOSEVELT TURNBULL
CASE NUMBER: CR 04-454(S-2)-02(JG)

JUDGEMENT 4 OF 4

CRIMINAL MONETARY PENALTIES

COUNT
FOUR

FINE

RESTITUTION
\$90,000.00

**TO BE PAID AT A RATE OF 10% OF THE GROSS SALARY
THE CLERK SHALL DISTRIBUTE PRO RATA TO THE LIST OF VICTIM'S
APPENDED TO THIS JUDGMENT.
(SEE ATTACHED LIST)**

RESTITUTION

____ The determination of restitution is deferred in a case brought under Chapters 109A, 110, 110A, and 113A of the Title 18 for offenses committed on or after 9/13/1998, until _____. an amended judgment in a Criminal case will be entered after such determination.

____ The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

TOTALS: \$90,000.00 _____

Findings for the total amount of losses are required under Chapters 109A, 110, 110A, 113A of the Title 18 for offenses committed on or after September 13, 1998.

NAME OF BANK	AMOUNT OF LOSS
Bank First 1509 W. 41 st Street Sioux Falls, SD 571-5-6370	\$6,948
First USA Bank NA 201 N. Walnut Street Wilmington, DE 19801-2920	\$18,516
CB & T 9 Mutec Drive Columbus, GA 31907-3031	\$10,473

NAME OF BANK	AMOUNT OF LOSS
First Premier Bank 601 S. Minnesota Avenue Sioux Falls, SD 57104-4824	\$1,707
Universal Card P.O. box 44167 Jacksonville, FL 32231-4167	\$5,072
Bank of America 1825 E. Buckeye Road Phoenix, AZ 85034-4252	\$27,433
Cross Country Bank P.O. Box 15371 Wilmington, DE 19850-5371	\$839
HNB/Chase NA 100 Duffy Avenue Hicksville, NY 11801-3639	\$7,951
American Express 777 American Express Way Fort Lauderdale, FL 3337-0001	\$126,109
Citibank USA NA-Sears 9337 Milliken Avenue Rancho Cucamonga, CA 91730-6002	\$27,758
Citibank USA NA-Sears 2211 Parklade Drive Atlanta, GA 30345	\$1,181
Citibank USA NA-Sears 45 Congress Street Salem, MA 01970-5579	\$23,040
Citibank USA NA-Sears 5400 University Avenue West Des Moines, IA 50266-5950	\$4,580

NAME OF BANK	AMOUNT OF LOSS
Citibank USA NA-Sears 4330 Michoud Blvd. New Orleans, LA 70129-2232	\$11,561
BP/Citibank SD 6400 Los Colinas Blvd. Irving, TX 75039	\$1,170
Shell/Citibank SD 6400 Los Colinas Blvd. Irving, TX 75039	\$822
Texaco/Citibank SD 6400 Los Colinas Blvd. Irving, TX 75039	\$559
Emerge/PVN 245 Perimeter Center Pk St. 600 Atlanta, GA 30346	\$2,631
Citi Cards CBSDNA P.O. Box 6500 Sioux Falls, SD 57117-6500	\$34,036
First USA Bank NA 1001 N. Jefferson Plaza Wilmington, DE 19801	\$80,189
Capital One Bank P.O. Box 85064 Glen Allen, VA 23058	\$18,027
Chase NA 100 Duffy Avenue Hicksville, NY 11801-3639	\$12,881
Citibank USA NA-Sears 13200 Smith Road Cleveland, OH 44130-7802	\$11,690
Exxon Mobile/MBGA 7840 Roswell Road Atlanta, GA 30350-6877	\$192

NAME OF BANK	AMOUNT OF LOSS
WFNNB/ShopNBC 4590 E. Broad Street Columbus, OH 43213-1301	\$8,715
Macy's East/FDSB 9111 Duke Drive Mason, OH 45040	\$1,122
Palisade Collections, Inc. 2425 Commerce Ave., Suite 100 Duluth, Ga 30096-8913	\$1,361
GE Capital Financial, Inc. 200 W. 15 th Street, Suite 150 Tempe, AZ 85281	\$80,000
Dell Financial Services LP 12234 N. IH 35 SB, Bldg. B Austin, TX 78754	\$8,076
Sherman Acquisition 9700 Bissannet, Suite 2000 Houston, TX 77036	\$78,604
Portfolio Recovery & Affiliates 120 Corporate Blvd., Suite 100 Norfolk, VA 23502-4962	\$12,734
Pinnacle Credit Service, Inc. 7900 Highway 7, #100 Saint Louis Park, MN 55426-4049	\$3,458
Zenith Acquisition 220 John Glenn Drive, #1 Amherst, NY 14228-2228	\$1,963
CBCS 236 East Towne Street Columbus, OH 43215-4631	\$1,291
HFC of Nevada 841 Seahawk Circle Virginia Beach, VA 23452-7809	\$1,026

NAME OF BANK	AMOUNT OF LOSS
LDG Financial Services LLC 4553 Winters Chapel Road, Suite 200 Atlanta, GA 30360-2772	\$2,951
Superior Asset Management, Inc. 19361 US Highway, 19N Clearwater, FL 33764-3102	\$782
Arrow Financial Service LLC 5996 W. Touhy Avenue Niles, IL 60714-4610	\$2,015
Genesis Financial Solutions 104 E. Beeline Lane Harker Heights, TX 76548-1262	\$9,341
Direct Merchants Bank 16430 N. Scottsdale Road Scottsdale, AZ 85254-1518	\$71,102
Macy's/GCCCC P.O. Box 29116 Shawnee Mission, KS 66201- 1416	\$5,263
Gulf State Credit LLC/Atlanta P.O. Box 48650 Atlanta, GA 30362-1650	\$15,312
Asset Acceptance LLC 7027 Miller Road Warren, MI 48092	\$18,539
The Bureaus Inc. 1717 Central St. Evanston, IL 60201-1507	\$8,896
Diversified Adjustment 600 Coon Rapids Blvd. Coon Rapids, MN 55433	\$433

NAME OF BANK	AMOUNT OF LOSS
AFNI, Inc. P.O. Box 3427 Bloomington, IL 61702-3427	\$170
Citibank USA NA 541 Sid Martin Rd. Gray, TN 37615-6210	\$901
Household Bank P.O. Box 98706 Las Vegas, NV 89193-8706	\$1,141
Fleet CC 301 Rockerimmon Blvd. Colorado Springs, CO 80919	\$27,080
Providian Financial 4900 Johnson Drive Pleasanton, CA 94588-3308	\$10,354
First Consumers National Bank 9300 SW Gemini Drive Beaverton, OR 97078-0001	\$28,801
Household Bank P.O. Box 98706 Las Vegas, NV 89193-8706	\$58,049
Discover Financial Services P.O. Box 15316 Wilmington, DE 19850-5316	\$198,392
Associates/Citibank SD 110 Lake Drive Newark, DE 19702-3317	\$1,950
FCNB/Spiegel 9300 SW Gemini Drive Beaverton, OR 97078-0001	\$4,941
MBGA/J.C. Penney 4580 Paradise Blvd. N.W. Albuquerque, NM 87114-4105	\$2,838

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NAME OF BANK	AMOUNT OF LOSS
Midland Credit Mgmt. 5775 Roscoe Court San Diego, CA 92123-1356	\$851
Fleet CC 200 Tournament Drive Horsham, PA 19044-3606	\$62,104
TOTAL	\$1,165,921